

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 30, 2001 LB 827

the language regarding an appeal from a decision of the Public Service Commission in their analysis and determination of the appropriate lease cost. Senator Beutler and I had some discussion on that. He had an amendment, as I recall, and I told him I didn't think the amendment was necessary. We struck the language out of the bill and we had no language in there regarding an appeal. In reviewing it with the Public Service Commission, I am convinced that because we are injecting a new party into this whole process and that being the public agency or the public party that may have fiber that may be involved, it is advisable, we think, to insert appeal language which mirrors the other procedure set forth in the public service statutes in 75-132.01, so that if there is a disagreement about their determination that can be appealed by either party in the same nature as other decisions by the Public Service Commission. That is the first part of AM1192. It's labeled Section 5 and that's strictly what I've just described to you. The second part of this amendment that is meaningful is lines...lines 10...or 9 through 11 on the second page of the amendment, which says, after "fee" on line 14, page 1 of AM0499, except as authorized by Sections 81-1120, et cetera, et cetera. Okay. Those are sections that give our own Department of Administrative Services, give the University of Nebraska and our state colleges and our community colleges the authority to provide services to their dormitories and students that are enrolled in...in these institutions, and our DAS is involved with providing services to our own state agencies through the Division of Communications. And so rather than have any confusion about whether we intended to change what they are now doing by LB 827, we've inserted this language to clearly state that we do not intend to have any impact on what they are currently doing. It would be my intent, as the introducer of this legislation, that they be not prohibited from continuing their existing services to students and so forth that they now provide. So I view this as a...that part of the amendment to be clarifying and cleanup, and then the appeal portion I think, after review with the Public Service Commission, it is necessary to clarify that either party who is dissatisfied with a decision of the Public Service Commission in this...in this area of establishing the lease price does have a right to appeal under the normal procedures. That's my introduction, Mr. President.